

**MINUTES**

**UTAH  
BOARD OF NURSING**

**STATE OPT-OUT FROM MEDICARE'S  
PHYSICIAN SUPERVISION REQUIREMENT FOR  
CERTIFIED REGISTERED NURSE ANESTHETISTS**

**September 24 2008**

**Room 402 – 4<sup>th</sup> Floor – 12:34 p.m.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 12:34 p.m.

**ADJOURNED:** 1:20 p.m.

**Bureau Manager:**  
**Secretary:**  
**Division Director:**  
**Assistant Attorney General:**

Laura Poe  
Shirlene Kimball  
F. David Stanley  
Lenore Epstein

**Conducting:**

Joel Allred

**Board Members Present:**

Barbara Jeffries  
Joel Allred  
Susan Kirby  
Diane Forster-Burk  
John Killpack  
Laurie Simonson  
Pamela Rice  
Marie Partridge

**Board Members Excused:**

Debra Schilleman  
Peggy Brown  
Mary Williams

**Guests:**

Deb Wynkoop, UHA  
Karin Kelbus, U of U Graduate Student  
Eric Holley  
Jon R Sundin, MD Mountain West Anesthesiology  
Jailee Leliman  
Glen Judd  
Adam Larson, Anesthesiology Resident  
Morris Matthews, MD Anesthesiologist, SL County

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

Discussion regarding Opt-Out From  
Medicare's Physician Supervision  
Requirement For Certified Registered  
Nurse Anesthetists:

Ms. Poe reported Governor Huntsman directed the Department of Commerce and the Division of Occupational and Professional Licensing to consult with the Board of Nursing, the Physicians Licensing Board and the Osteopathic Licensing Board regarding the Opt-Out from Medicare's Physician Supervision Requirement for CRNAs. Ms. Poe reported the Board's role is to make a recommendation to the Governor. The Governor will then make a decision whether or not to Opt-out.

Mr. Killpack suggested the Board look at each area to determine how each area would be affected by opting out versus not opting out. Mr. Allred indicated the Board also needs to look at what is best for the public and how to meet the needs of the public.

1. Access: Mr. Killpack stated he is concerned that if Utah does not opt-out, the public will eventually be affected because the facility will need to have a physician supervisor within twenty feet of the CRNA the whole time the CRNA is practicing in the facility. Ms. Poe indicated this issue will also impact the patients of Certified Nurse Midwives. The CNM would not be able to use a CRNA or a facility where there are no anesthesiologists.

Ms. Poe indicated she has been dealing with this issue for eight years and the map showing where CRNAs are working and where anesthesiologists are working has not changed. Ms. Kirby stated there are a number of issues that keep anesthesiologists out of the rural area and to imply that it is caused by the opt-out issue is not supported by data. Ms. Kirby stated APRNs and CRNAs who practice have respect for the physician and it is incorrect to say we are trying to remove the physician from health care. Mr. Killpack stated opting out would not change state law. Ms. Forster-Burke stated most APRNs and CRNAs see fairly normal health problems and if there are complicated situations, a physician would be consulted. Ms. Partridge questioned whether or not all CRNAs would be competent. Mr. Killpack stated that, just like in other professions, if an individual is not competent, they would not be in that position for long.

2. Quality of care. Mr. Killpack stated opting out would not change or make a difference on quality of care. Ms. Poe indicated no CRNAs have been disciplined by the Division for quality of care issues. Ms. Partridge indicated she feels the quality of care is there, but questions what if something goes wrong? Ms. Kirby stated if something goes wrong, the same procedures are required by the physician as for the CRNA. Mr. Killpack stated studies show it is not the credentials, but the experience and level of response that makes a difference in an emergency situation. Mr. Killpack stated the idea of having a physician present 24/7 will not happen in rural areas.

3. Best interest of the public. Ms. Kirby stated the Legislature did not require supervision in the law and this decision must have been made after some study. Ms. Poe indicated that the Legislature has found supervision is not necessary, yet the Federal Government steps in and requires supervision.

There was a suggestion made in the Hearing by Dr. Peterson to have a partial opt-out. Ms. Jeffries indicated she initially felt that would be a good idea, however, in re-thinking the partial opt-out, stated she feels it would create more confusion on the part of the consumer. She stated she would be afraid it would be more detrimental to have hospitals under different standards. The consumer would be worried they were not receiving appropriate care in rural hospitals. It was also questioned who decides what hospital is rural and what hospital is urban. Ms. Forster-Burke indicated she does not believe the Federal Government would consider a different standard for one set of individuals versus another.

Motion:

Diane Forster-Burke made a Motion that the State Board of Nursing recommend to the Governor to Opt-Out of the Medicare's Physician Supervision Requirement for Certified Registered Nurse Anesthetists. John Killpack seconded the Motion. The following Board members were in favor of the Motion: Pamela Rice, Susan Kirby, Barbara Jeffries, Joel Allred, Diane Forster-Burke and John Killpack.

The following Board members were opposed to the Motion: Marie Partridge and Laurie Simonson. The Motion carried.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

October 9, 2008  
Date Approved

(ss) Joel Allred  
Joel Allred, Chair, Board of Nursing

October 2, 2008  
Date Approved

(ss) Laura Poe  
Laura Poe, Bureau Manager, Division of Occupational &  
Professional Licensing